

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Lester D. Scaife,

Plaintiff,

VS.

Ralph Lauren,

Defendant.

Case No. 19-cv-1284

Hon. Martha M. Pacold, Judge

**JOINT REPORT TO THE COURT AND JOINT MOTION TO STAY FILING
DEADLINE PENDING FURTHER REPORT TO THE COURT**

By an Order dated April 2, 2020, this Court recruited Jeffrey Colman to serve as counsel for plaintiff, Lester D. Scaife (hereafter “Mr. Scaife”) in this matter. Dkt. Entry No. 46. On May 14, 2020, we reported to the Court that Mr. Scaife died on March 16, 2020. Dkt. Entry No. 50. By order dated May 15, 2020, this Court set August 5, 2020 for the undersigned to file another report to the Court and set August 11, 2020 for a telephonic status conference. Dkt. Entry No. 51.

The undersigned hereby report as follows:

1. Because Mr. Colman never spoke with Mr. Scaife, no attorney-client relationship was ever finalized. As a consequence, Mr. Colman joins in the filing of this report as an officer of the Court and not in any representative capacity.

2. Mr. Colman and his colleague, Jay Simmons, have spoken with Jerry Scaife, the brother of Mr. Scaife. Jerry Scaife plans to petition the Circuit Court of Cook County to appoint him as the administrator of his brother's estate. Based on our current understanding, Jerry Scaife is eligible to serve as administrator and has first priority in nominating an administrator, but approval by the Circuit Court is required. Jenner & Block LLP has agreed to represent Jerry Scaife

on a pro bono basis in order to file the appropriate papers in the Circuit Court of Cook County. Debra Levin, an experienced lawyer in trusts, estates, and probate law, is handling the Circuit Court aspects of this matter. To ensure adequate time, particularly under the present COVID-19 pandemic, we believe that 60 days should be allocated in order to (a) obtain the appropriate authority for Jerry Scaife to proceed as the representative of Mr. Scaife's estate, and (b) report back to this Court.

3. Mr. Colman and John T. Roache, counsel for defendant Ralph Lauren Corporation ("RLC"), will then need to address a number of issues with the Court including, but not limited to (a) whether it would be appropriate to substitute the estate of Mr. Scaife as a party plaintiff pursuant to Fed. R. Civ. P. 25(a), (b) representation of the estate in federal court, (c) survivability of Mr. Scaife's claims, (d) whether it would be appropriate for the estate of Mr. Scaife to amend the complaint, should it decide it wants to do so, and (e) RLC's response to the complaint or any amended complaint.

4. Because of the current pandemic and the issues arising out of the death of Mr. Scaife, Mr. Colman and RLC request that this Court extend the deadline for the parties to file a joint status report with the Court until November 7, 2020, and that the Court postpone the status hearing currently scheduled for August 11, 2020 until sometime after November 7, 2020.

5. By order dated May 15, 2020, this Court stated that the date for the filing of defendant's responsive pleading will be set once the Court learns whether the estate of Mr. Scaife intends to pursue this matter. The undersigned now ask that the Court defer the deadline for the filing of any responsive pleading and that the Court consider that issue at the next scheduled status conference.

WHEREFORE, the undersigned counsel jointly and respectfully request that the Court (a) continue until November 7, 2020, the date for the filing of a joint status report; (b) reschedule until sometime after November 7, 2020 the date for a status hearing; and (c) stay the time for RLC to file a responsive pleading and consider that issue at the next scheduled status conference.

Dated: August 4, 2020

Respectfully submitted,

/s/ Jeffrey D. Colman
As an officer of the Court
Jeffrey D. Colman
jcolman@jenner.com
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, Illinois 60654-3456
Telephone: 312-923-2940

/s/ John T. Roache
John T. Roache
AKERMAN LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 634-5700
john.roache@akerman.com